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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ANIMAL WELLNESS ACTION, a non-  
profit corporation, CANA FOUNDATION,  
a non-profit corporation, LAURA LEIGH,  
individually, and WILD HORSE  
EDUCATION, a non-profit corporation,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
INTERIOR, BUREAU OF LAND  
MANAGEMENT, and JON RABY, Nevada  
State Director of the Bureau of Land  
Management,

Defendants.

CASE NO. 3:22-cv-00034

**DECLARATION OF LAURA LEIGH  
INDIVIDUALLY AND ON BEHALF OF  
WILD HORSE EDUCATION**

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1 I, Laura Leigh, declare as follows:

2 1. The facts contained in this declaration are known personally to me and, if called  
3 as a witness, I could and would testify competently thereto under oath.

4 2. I am a resident of the state of Nevada.

5 3. I am the current President and founder of the non-profit organization Wild Horse  
6 Education (WHE), which has its principal place of business at 216 Lemmon Drive, # 316,  
7 Reno, N.V., 89506. In addition, I am also an active member and supporter of WHE.

8 4. WHE is a national nonprofit corporation dedicated to research, journalism, and  
9 public education concerning the activities and operations of federal and state  
10 management of the free roaming horse and wild burro populations.

11 5. The mission of WHE is to protect and preserve wild horses and burros on range,  
12 during and after capture. WHE works to do so in multiple ways. First, WHE provides  
13 information and education to the public about the current situation with American wild  
14 horses and burros and the issues surrounding public land management and wild horses. In  
15 this, WHE aims to remove the curtain that veils governmental activities against wild  
16 horses from the public eye in order to advance wild horse advocacy and support. Second,  
17 WHE also aims to facilitate public awareness and participation in wild horse issues, such  
18 as in comments on proposed agency actions. Third, WHE also advocates for the creation  
19 of a sane, scientifically-based management strategy for these animals in the wild. Fourth,  
20 WHE promotes public adoptions of formerly wild horses and supports those who adopt  
21 them for rescue and sanctuary.

22 6. WHE frequently submits comments on Herd Management Area Plans,  
23 Environmental Assessments, and other wild horse management documents and hearings  
24 made available for public comment.

25 7. WHE has more than 300,000 members and followers, with the majority of that  
26 number being individuals across the United States, and educates and informs these  
27 members and the American public about wild horses and burros through articles,  
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1 photographs, videos, and sharing data and other information. WHE's members and  
2 supporters regularly attend and observe wild horse and burro roundups, removals, and  
3 holding pens.

4 8. WHE has previously held Board meetings and outreach sessions in the Pancake  
5 Complex. Advocating for the wild horses in the Pancake Complex is a past, present, and  
6 future important issue for myself, for WHE, and for our members.

7 9. It is WHE's standard practice to send trained members of WHE to observe wild  
8 horse gathers conducted by the Bureau of Land Management (BLM) throughout the  
9 United States. When observing gather operations, our members document the events by  
10 filming the operations on video, capturing photographs, and writing written reports from  
11 the area designated by BLM for public observers.

12 10. It is also WHE's standard practice to make documentation of the wild horse  
13 gathers and range data available to the public and to use this documentation to show and  
14 support any concerns we have directly to the BLM.

15 11. From their years of visiting, viewing, observing, and documenting wild horses,  
16 many of WHE's members form strong bonds with the wild horses. Because of this, it is  
17 often very emotional for them to observe the wild horses being gathered and captured  
18 from their homes on the range at these gather operations. Both I and WHE's members  
19 experience great sadness when we observe horses we have visited, observed, enjoyed,  
20 and known in the past, be rounded up and lose their freedom. It is also very difficult for I  
21 and our members to witness gathers in which the horses appear to be injured or in  
22 distress, or in which horses are euthanized during the gather operation. This is especially  
23 true when our members know the individual horse or horses in question from time spent  
24 visiting, viewing, and enjoying them in their wild.

25 12. I have devoted my energy to the pursuit of gaining protections for our wild horses  
26 and burros over all other interests.

27 13. For example, I lived out of my vehicle for six years and literally called the open  
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1 range my home. I often slept on the range with the wild horses, including the wild horses  
2 of the Pancake Complex.

3 14. I am a freelance photojournalist, whose work has appeared internationally in  
4 media broadcast outlets, such as CNN, BBC/ITV, ABC, Common Dreams, and  
5 CounterPunch. Over the past twelve years, I have visited, observed, enjoyed, and  
6 photographed the wild horses at the Pancake Complex so many times, that I have formed  
7 unique and special relationships with individual horses that I have named and monitored  
8 throughout the years. I experience great joy from watching young foals born in the  
9 Pancake Complex become curious and strong adult horses who then create their own  
10 families. I intend to continue to visit, observe, enjoy, and photograph the wild horses of  
11 the Pancake Complex in the future.

12 15. I have grave concerns that the past, present, and future BLM actions with regards  
13 to the Pancake Complex horses will adversely affect my ability to recreate and enjoy,  
14 such as through visiting, observing, and photographing, the wild horses of these herds in  
15 the future.

16 **Comments Submitted by WHE and by Me Individually**

17 16. I am aware that the BLM failed to create a Herd Management Area Plan (HMAP)  
18 for the Pancake Complex, as required by law.

19 17. Had an HMAP been created for the Pancake Complex, I would have submitted  
20 comments during the appropriate scoping period.

21 18. On November 23, 2021, on behalf of both myself and WHE, I submitted  
22 comments on the preliminary Pancake Complex Gather Plan Environmental Assessment  
23 (the Gather EA).

24 19. These comments argued that the Gather EA failed to identify or create a  
25 management plan, which would have been done in an HMAP. In the Gather EA, the BLM  
26 cited numbers that were used in a land use plan decades ago. The BLM failed to identify  
27 or explain how the BLM arrived at these numbers and, in turn, how the BLM arrived at  
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1 its goals and objectives for the gather. I and WHE were injured by the lack and  
2 unavailability of information that would have been present in an HMAP.

3 20. Proving this point, every time I and WHE commented on the Gather EA regarding  
4 subject matter that would have been considered during the development of an HMAP, the  
5 BLM responded by advising us that our comments were outside the scope of the Gather  
6 EA, which addressed environmental impacts only.

7 21. For example, though BLM has authority under the Wild Horse Act to close public  
8 lands to livestock grazing if necessary to protect wild horses (43 C.F.R. § 4710.5), when  
9 WHE and Marie Milliman, a representative of Wild Horse Education, commented on the  
10 Draft Gather EA regarding the impact of livestock grazing on wild horse habitat, the  
11 BLM responded that “[l]ivestock permits and their associated administrative management  
12 is [sic] outside the scope of this document.” Gather EA at p. 183.

13 22. Had the BLM prepared an HMAP for the Pancake Complex, however, I and WHE  
14 would have been able to raise my concerns about the Pancake Complex’s early  
15 foaling season, the dangerous weather conditions, and other critical habitat and genetic  
16 composition concerns in the appropriate forum.

17 23. Had the BLM prepared an HMAP for the Pancake Complex, my and WHE’s  
18 concerns as described above would have been able to undergo consideration.

19 24. Had the BLM prepared an HMAP for the Pancake Complex, I and WHE would  
20 have gained information available through said HMAP and been able to use said  
21 information to further our advocacy mission; namely, to spread information and  
22 awareness to the public regarding wild horse and public lands issues.

23 25. The lack of information that an HMAP provides caused WHE to divert our  
24 resources and expend resources we otherwise would not have had to expend, in order to  
25 attempt to gather information ourselves.

26 26. On May 5, 2021, the Bureau of Land Management released the Final  
27 Environmental Assessment, the Decision Record, and the Finding of No Significant  
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1 Impact (FONSI) for the Pancake Complex Wild Horse Gather (DOI-BLM-NV-  
2 L060-2021-0005-EA).

3 27. On June 2, 2021, on behalf of both myself and WHE, I appealed the BLM's  
4 decision approving the Pancake Complex Gather Plan Environmental Assessment. I also  
5 included a petition for an order staying the decision. I filed these with the United States  
6 Interior Board of Land Appeals (IBLA).

7 28. On July 7, 2021, the petition for stay was denied by IBLA.

8 29. On January 6, 2022, on behalf of both myself and WHE, I filed a Motion to  
9 Reconsider the Stay Petition for the Pancake Complex Wild Horse Gather Plan  
10 Environmental Assessment.

11 30. On January 6, 2022, and without any prior notice to the public, myself, or WHE,  
12 the BLM issued a press release announcing its plan to begin the FY2022 Pancake  
13 Complex Wild Horse Gather on or around January 10, 2022, pursuant to the Pancake  
14 Complex Gather Plan Environmental Assessment.

15 31. On January 10, 2022, I filed an Amended Motion to Reconsider the Stay Due to  
16 New Circumstances. This motion was denied on January 14, 2022.

17 32. The gather ultimately began on January 11, 2022.

18 **The 2022 Pancake Complex Wild Horse Gather**

19 33. In keeping with WHE's standard practice, WHE sent members to observe and  
20 document the 2022 Pancake Complex gather ("the Gather"). Members filmed videos,  
21 captured photographs and footage, and wrote reports about their observations at the  
22 Gather.

23 34. As is standard practice at WHE, I was given access to the videos, photographs,  
24 and written reports as soon as possible.

25 35. I watched, viewed, and read every file that was uploaded by WHE's members,  
26 and I also discussed specific events or observations with members on the phone.

27 **The January 11, 2022 Incident Involving a Young Colt**

1           36.     On the very first day of the Gather operations, January 11, 2022, a member filmed  
2           a long video documenting a colt falling behind a herd of horses being pursued by  
3           helicopter, followed by his leg breaking and personnel roping him and loading him onto a  
4           trailer to be brought off the range for euthanasia.

5           37.     From this video, I have cropped together two separate and shorter videos.

6           38.     The first video shows the colt limping and his leg breaking while he is left alone  
7           on the range. The video is 1 minute and 4 seconds long. The video is available at [https://](https://videos.files.wordpress.com/PQ5gHNOw/pancake_011122_coltleg.mp4)  
8           [videos.files.wordpress.com/PQ5gHNOw/pancake\\_011122\\_coltleg.mp4](https://videos.files.wordpress.com/PQ5gHNOw/pancake_011122_coltleg.mp4).

9           39.     The second video shows personnel roping the colt, holding him on the ground,  
10          and then being driven off the range for euthanasia. This video is 3 minutes and 30  
11          seconds long. This video is available at [https://videos.files.wordpress.com/wCFyaYv2/](https://videos.files.wordpress.com/wCFyaYv2/pancake_011122_coltedited_video2.mp4)  
12          [pancake\\_011122\\_coltedited\\_video2.mp4](https://videos.files.wordpress.com/wCFyaYv2/pancake_011122_coltedited_video2.mp4).

13          40.     In the first video, the colt appears to be limping behind the herd that is being  
14          rounded up. Based on my review of member documentation of the Gather and decades of  
15          observing other wild horse gathers, it is my opinion that this colt's leg was injured from  
16          being pursued by BLM on unsafe and dangerous range conditions caused by the recent  
17          weather. In the video, the ground is clearly uneven and there are pockets of snow and/or  
18          ice throughout the range. Based on my review of member documentation of the Gather,  
19          several horses suffered from injuries due to the ground conditions at the range.

20          41.     For example, on January 18, 2022, a member took a photograph of their footprints  
21          that had formed in the mud the day before on January 17, 2022 and then froze over when  
22          the temperatures at night and the early morning dipped. The photograph is an accurate  
23          depiction of much of the ground that BLM was pursuing wild horses on during the  
24          mornings of the gather. Once the temperature rises in the afternoon, the ground thaws and  
25          the mud is deep and slippery on the range. During the Gather, a member even saw a Jeep  
26          Wrangler having difficulty driving through the mud. Based on my experience and  
27          knowledge of wild horses and observing BLM gathers, when the ground is like this,  
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1 horses have difficulty running from the helicopters without slipping and injuring  
2 themselves and other horses. Yet the Gather was never paused or stopped due to unsafe  
3 ground conditions.

4 42. In the first video, the colt's leg appears to break completely, and he struggles to  
5 walk and stand alone on the range while a low-flying helicopter continues to hover over  
6 the colt.

7 43. Based on the timing of the full video, it took personnel 29 minutes to arrive at the  
8 colt's location on the range and rope him.

9 44. The second video above shows two personnel on horseback attempting to rope the  
10 colt while his broken front leg dangles as if there are no bones in the leg at all. Though  
11 the colt has a broken leg and is struggling to walk, he still desperately tries with all his  
12 strength to escape capture for several minutes.

13 45. At one point during the event on film, one of the personnel on horseback  
14 dismounts the horse and strategically places the horse to directly block the public's view  
15 of the injured and struggling colt. After several more minutes, and as the colt continues to  
16 struggle to escape, the other personnel dismounts their horse and both personnel force the  
17 colt onto his side and hold him down.

18 46. At this point in the video, a veterinarian walks over to where the two personnel  
19 are pinning the colt to the ground. A trailer is then brought to the colt and the colt is  
20 driven off the range while standing in the trailer. Based on the BLM's representations  
21 both at the Gather and on the public Gather website, it is my understanding that after the  
22 colt was driven off the range, the colt was euthanized by gunshot and out of the public's  
23 view. BLM has not released how long the colt was alive after breaking his leg and being  
24 captured before being euthanized.

25 47. The area that this foal was captured is an area I consider to be a personal  
26 sanctuary. I used to go there and watch the Pancake Complex's babies being born there. I  
27 was even staying in that area in the previous year's (2021's) spring to summer, watching  
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1 the new babies being born.

2 48. It was emotionally and psychologically devastating to me to see horses that I feel  
3 I know – and have even witnessed them begin their lives shortly after their birth – die and  
4 disappear.

5 49. When I think of the incident with the young colt, I feel an oppressive despair over  
6 the needless catastrophic injury and death of this baby.

7 50. From the moment this colt's leg snapped onwards, a great deal of disruption  
8 occurred to WHE's normal operations. WHE has a small staff and tight resources; the  
9 sudden attention, including media attention, on the Pancake Complex caused WHE to  
10 divert many of our few resources. Instead of the usual operations of supporting our  
11 members in the field, WHE also had to address the media and respond to constant media  
12 attention. WHE also struggled to continue to observe in the field once the media arrived  
13 at the Pancake Complex.

14 51. Overall, the Pancake Complex Gather caused WHE to expend an inordinate  
15 amount of resources in staff time and attention, and did not gain us any revenue or  
16 otherwise valuable resources.

17 Other Incidents

18 52. On the second day of the Gather operations, January 12, 2022, a member filmed a  
19 video documenting BLM personnel repeatedly slamming trailer gates on horses in order  
20 to cram them into the trailer. Based on my review of the documentation of the Gather,  
21 there have been several other times when BLM had to slam the trailer gates on horses in  
22 order to cram them into a trailer. I created a clip of the video that is 2 minutes and 20  
23 seconds long. This video is available at [https://videos.files.wordpress.com/xO0uFHX7/](https://videos.files.wordpress.com/xO0uFHX7/pancake011222_gate.mp4)  
24 [pancake011222\\_gate.mp4](https://videos.files.wordpress.com/xO0uFHX7/pancake011222_gate.mp4).

25 53. Also on the second day of the Gather, January 12, 2022, a member filmed a video  
26 documenting a herd of horses, made up of several different horse families, being pursued  
27 into a trap and then held in a small temporary holding corral. In the cramped corral, the  
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1 video shows the wild horses flailing around, pushing and biting each other, and rearing  
2 up. This video is available at <https://videopress.com/v/zvrsgUdZ>.

3 54. Based on my review of member documentation of the Gather, decades of  
4 observing other wild horse gathers, and my extensive knowledge of these horse families,  
5 it is my opinion that because the BLM brought a big herd into the trap and corral, instead  
6 of one family at a time, the horses who were already agitated from the roundup and  
7 helicopter pursuit, began fighting among the families. Based on my review of member  
8 documentation of the Gather, there were several other times when BLM has corralled  
9 multiple horse families together and there have been fights and aggression that can lead  
10 to injuries and even deaths.

11 55. On the sixth day of the Gather operations, January 17, 2022, a member filmed a  
12 video documenting a lone mare being pursued by BLM for over an hour. Based on my  
13 review of member documentation of the current gather and our decades of observing  
14 other wild horse gathers, it is my opinion that this mare was likely resisting capture so  
15 fiercely because she had a foal that was still nursing hidden out of site on the vast  
16 rangeland. Since the recording of this incident, the BLM did in fact confirmed that she  
17 was a “wet mare” which means she was still nursing a foal. Based on my research and  
18 knowledge of horses, a newborn foal would die overnight in the present conditions at the  
19 Pancake Complex without his or her mother.

20 56. Based on member observations and my review of member documentation, we did  
21 not observe any young foals brought in during the same run as the mare. We also did not  
22 see any foals young enough to justify pursuing this mare for over an hour at dusk.

23 57. From member video of the incident, I have cropped together a video that is 2  
24 minutes and 49 seconds long. The video is available at [https://videopress.com/v/](https://videopress.com/v/4PsJFauK)  
25 [4PsJFauK](https://videopress.com/v/4PsJFauK).

26 58. Though the mare resisted moving with the herd toward BLM’s trap, the helicopter  
27 found the lone mare and pursued it until personnel on horseback arrived and began  
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1 attempting to rope the horse. Throughout the whole video, the mare is seen fighting with  
2 all her strength to not be captured.

3 59. I have documented and recorded the foaling season at the Pancake Complex for  
4 over a decade. Foaling season at the Pancake Complex is earlier than most other wild  
5 horse populations and begins in earnest at Pancake by the third week in January.

6 60. In total, when the Gather finished on February 14, 2022, BLM officials  
7 announced they had removed 2,054 wild horses and released 24 back to the wild.

8 61. As a result of the Gather, 26 wild horses died.

9 62. The remaining unreleased wild horses – 2,004 in total – were shipped out for  
10 adoption or sale, and possibly across national borders, being destined for slaughter for  
11 human consumption.

12 63. The impact of viewing the above-mentioned videos, photographs, and reading the  
13 written reports of these operations caused me great emotional harm and distress and  
14 continues to haunt me in the present day.

15 64. I consider these wild horses to be my companions and, often, like family, due to  
16 the years I spent living on these ranges.

17 65. I continue to mourn the loss of the thousands of wild horses. I will be unable to  
18 recreate among these horses or enjoy them through observation and photography. I worry  
19 that important genetic lineages have been damaged or lost, especially the Medicine Hats,  
20 and I will be unable to enjoy the beauty of the unique appearance of these rare wild  
21 horses in the future.

22 66. I have returned to the Pancake Complex since the 2022 gather. The area used to  
23 have some of the most pristine valleys I have ever seen, but they are no longer pristine  
24 and beautiful. The wild horses have fragmented: while I used to see fifty or more horses  
25 there in a group, now I only see a few or several. I feel that the soul has been removed  
26 from the place, and what remains are only ghosts.

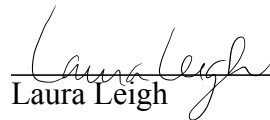
27 67. Lastly, because the BLM denied WHE's access to observe and document the  
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1 conditions gathered horses in short-term holding facilities in Utah, WHE was unable to  
2 fulfill our organizational mission to assist and facilitate the adoption of these wild horses.  
3 Several potential adopters were awaiting to learn whether WHE was able to secure  
4 placement of horses to go to these adopters for the horses' long-term care and humane  
5 treatment. WHE was looking for dozens of horses; however, WHE was unable to many of  
6 the horses we aimed to rescue and adopt, because by the time WHE was permitted into  
7 this facility, the horses had already been shipped out and were gone.

8 68. Ultimately, WHE was only able to rescue three Medicine Hat horses, who were  
9 adopted out for long-term care and humane treatment.

10  
11 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United  
12 States of America that the foregoing is true and correct.

13  
14 DATED this 8th day of August, 2023.

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16   
17 Laura Leigh